IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 5642 of 2007(V)

PETITIONER:

M.C.MADHAVAN, S/O. GOPALAN,
MANIKKOTH HOUSE, KAVIYOOR POST, CHOKLI,
KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENTS:

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1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOOTHUPARAMBA, KANNUR DISTRICT.

2. THE THALASSERY TALUK,
CO-OPERATIVE EMPLOYEES CO-OPERATIVE SOCIETY,
MATTANNUR, KANNUR DISTRICT.

3. P.MADHU,
FORMER SECRETARY, THALASSERY TALUK CO-OPERATIVE EMPLOYEES CO-OPERATIVE SOCIETY, MATTANNUR, PRESENTLY WORKING AS AUDITOR, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL KUTHUPARAMBA).

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT
SRI.CIBI THOMAS
GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.5642/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE PETITIONDATED 12.3.04 IN A.R.C. /2004.

EXT.P2: TRUE COPY OF THE COUNTER STATEMENT FILED BY THE DEFENDANT IN A.R.C. 827/2004-05.

EXT.P3: TRUE COPY OF THE PETITION DATED 5.8.06 FILED BY THE PETITINER BEFORE THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF THE ADDITIONAL STATEMENT FILED ON 10.1.2007.

EXT.P5: TRUE COPY OF THE 'JAMBYKADAM VAYPADHARAM'

EXT.P6: TRUE COPY OF THE PETITION DATED 20.01.2007 FILED BY THE PETITIONER FOR SENDING THE SIGNATURE CONTAINED IN EXT.P5 TO THE HANDWRITING EXPERTS.

EXT.P7: A TRUE COPY OF THE ORDER DATED 15.11.2006.

EXT.P8: TRUE COPY OF THE ORDER DATED 20.01.2007.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 5642 OF 2007

DATED THIS THE 19th DAY OF MARCH, 2007

JUDGMENT

The petitioner is challenging Ext.P7 order by which the Assistant Registrar of Co-operative Societies before whom A.R.C.No.827/04-05 filed by the 2nd respondent is pending, declining the request of the petitioner to conduct an enquiry into the genuineness of the mortgage deed stated to have been executed by the petitioner. Since the petitioner has an effective alternative remedy by way of filing a revision under Section 84 of the Kerala Co-operative Societies Act before the Co-operative Tribunal, I am not inclined to entertain this writ petition. Therefore without prejudice to the right of the petitioner to file a revision before the Tribunal against Ext.P7 order, this writ petition is dismissed. To enable the petitioner to move the Tribunal by way of filing a revision, the interim order granted by this Court would continue for a period of three weeks.

S. SIRI JAGAN, JUDGE

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